

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
LUIS FAREZ, individually and on behalf of :
others similarly situated, :
:
Plaintiff, : 22-CV-6728 (VSB) (SDA)
:
- against - : **ORDER**
:
:
PINERY CLEANERS INC. (D/B/A :
MADISON CLEANERS/CROWN :
CLEANERS) and WON K. CHO AKA :
JAMES CHO, :
:
Defendants. :
:
-----X

VERNON S. BRODERICK, United States District Judge:

On August 8, 2022, Plaintiff Luis Farez (“Plaintiff” or “Farez”) filed this action seeking to recover unpaid minimum and overtime wages, pursuant to the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201 *et seq.* and for violations of the N.Y. Labor Law §§ 190 *et seq.* and 650 *et seq.*, including liquidated damages, interest, and attorneys’ fees and costs. (Doc. 1.) On April 14, 2023, after granting a default judgment on liability, I referred this case to Magistrate Judge Stewart D. Aaron for an inquest on damages. (Doc. 32.)

Plaintiff filed an affidavit of service for Defendant Pinery Cleaners (d/b/a Madison Cleaners/Crown Cleaners) (“Defendant Pinery Cleaners”) and Defendant Won K. Cho, a/k/a James Cho (“Defendant Won K. Cho”) on October 31, 2022, (Docs. 9, 10), and November 2, 2022, (Doc. 12), respectively. The deadline to respond to Plaintiff’s complaint was November 18, 2022 for Defendant Pinery Cleaners and November 17, 2022 for Defendant Won K. Cho. (See Docs. 9, 10, 12.) To date, Defendant Pinery Cleaners and Defendant Won K. Cho (together,

“Defendants”) have not appeared or responded to the complaint. On December 13, 2022, the Clerk of Court issued Certificates of Default as to the Defendants. (Docs. 18–19.) I held an Order to Show Cause hearing on April 13, 2023, at 2:00 PM. Defendants failed to appear at that hearing or request additional time to respond to the Order to Show Cause. On April 14, 2023, I entered a default judgment against Defendants on the issue of liability, (Doc. 31), and referred the case to Magistrate Judge Aaron for an inquest on damages, (Docs. 31, 32).

On July 21, 2023, Magistrate Judge Aaron issued a thorough 16-page Report and Recommendation recommending that “the Court enter judgment in favor of Plaintiff against Defendants in the amount of \$167,338.00 (consisting of \$83,669.00 in minimum and overtime wages and \$83,669.00 in liquidated damages).” (Doc. 39 at 15.) He further recommended that “Plaintiff be awarded \$3,218.25 in attorneys’ fees and costs.” *Id.* In addition, he recommended that “pre-judgment interest should be awarded, as set forth in Discussion Section III.C. [of his Report and Recommendation]; that post-judgment interest be awarded, as set forth in Discussion Section VI [of his Report and Recommendation]; and that additional damages be awarded if the judgment is not satisfied, as set forth in Discussion Section VII [of his Report and Recommendation].” *Id.*

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). “To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985).

Although the Report and Recommendation explicitly provided that “[t]he parties shall have fourteen (14) days . . . from service of this Report and Recommendation to file written

objections pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure" and "[t]he failure to object within fourteen (14) days will result in a waiver of objections and will preclude appellate review," (Doc. 39 at 16), neither party filed an objection or requested additional time to do so. I have reviewed Magistrate Judge Aaron's detailed and well-reasoned Report and Recommendation for clear error and, after careful review, find none. I therefore ADOPT the Report and Recommendation in its entirety.

The Clerk's Office is respectfully directed to terminate any open motions, to enter judgment in accordance with this Order, and to close this case.

SO ORDERED.

Dated: October 23, 2023
New York, New York

Vernon S. Broderick

Vernon S. Broderick
United States District Judge